

FORM 26. Docketing Statement

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 13-1021, 1022Oracle America, Inc.

v.

Google Inc.

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing.

Name of the party you represent Google Inc.

Party is (select one)

☐ Appellant/Petitioner☒ Cross-Appellant☐ Appellee/Respondent☐ IntervenorTribunal appealed from and Case No. USDC for N.D. California, Case No. 10-cv-03561Date of Judgment/Order 6/20/2012, 9/4/2012 Type of Case Patent / Copyright

Relief sought on appeal

Affirm judgment to extent adverse to Oracle. Reverse Order re Google's motion for JMOL or New Trial. Vacate judgment to extent adverse to Google.

Relief awarded below (if damages, specify) _____

Judgment of copyright infringement of the rangeCheck code in TimSort.java and ComparableTimSort.java, and the eight decompiled files (seven "Impl.java" files and one "ACL" file), as to which judgment for Oracle and against Google is entered in the amount of zero dollars (as per the parties' stipulation). *See* Final Judgment (Dkt. 1211)

Briefly describe the judgment/order appealed from _____

Final Judgment entered June 20, 2012 (Dkt. 1211)

Order Denying Motion for Judgment as Matter of Law and New Trial, entered September 4, 2012 (Dkt. 1242)

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FORM 26. Docketing Statement (continued)

Nature of judgment (select one)

☒ Final Judgment, 28 USC 1295☐ Rule 54(b)☐ Interlocutory Order (specify type) _____☐ Other (explain; *see* Fed. Cir. R. 28(a)(5)) _____

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued _____

NONE (Case Nos. 13-1021 and 13-1022 have been consolidated)

Brief statement of the issues to be raised on appeal _____

Without limitation, whether the district court should have granted judgment as a matter of law for Google on Oracle's claim for copyright infringement as to the rangeCheck code in TimSort.java and ComparableTimSort.java, and the eight decompiled files (seven "Impl.java" files and one "ACL" file).

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

☐ Before the case was filed below?☒ During the pendency of the case below?☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated?

☒ Yes ☐ No

If they were mediated, by whom? _____

Magistrate Judge Paul Grewal, United States District Court for the Northern District of California

FORM 26. Docketing Statement (continued)

Do you believe that this case may be amenable to mediation?



Yes



No

If you answered no, explain why not _____

Provide any other information relevant to the inclusion of this case in the court's mediation program. _____

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 2nd day of November, 2012

by: ECF

(manner of service)

Robert Van Nest

Name of Counsel

/s/ Robert Van Nest

Signature of Counsel

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**United States Court of Appeals
for the Federal Circuit**

ORACLE AMERICA, INC. v. GOOGLE INC., Nos. 2013-1021, -1022

CERTIFICATE OF SERVICE

I, Robyn Cocho, being duly sworn according to law and being over the age of 18, upon my oath depose and say that:

Counsel Press was retained by KEKER & VAN NEST LLP, Attorneys for Defendant-Cross-Appellant to print this document. I am an employee of Counsel Press.

On **November 2, 2012**, Counsel for Cross-Appellant has authorized me to electronically file the foregoing **Docketing Statement** with the Clerk of Court using the CM/ECF System, which will serve via e-mail notice of such filing to any of the following counsel registered as CM/ECF users:

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Paper copies will also be mailed to the above counsel.

November 2, 2012

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